

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

22651-22675

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 26, 1935]

**22651. Adulteration and misbranding of sodium cacodylate ampoules. U. S. v. Pitman-Moore Co. Plea of guilty. Fine, \$100. (F. & D. no. 30341. Sample nos. 6011-A, 6012-A, 6014-A.)**

This case was based on an interstate shipment of three lots of sodium cacodylate ampoules labeled as containing 3, 5, and  $7\frac{1}{2}$  grains, respectively, of sodium cacodylate per 100 cubic centimeters. Samples taken from each lot were found to contain less sodium cacodylate than declared on the label.

On February 23, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pitman-Moore Co., a corporation, Indianapolis, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 15, 1932, from the State of Indiana into the State of Ohio, of quantities of sodium cacodylate ampoules which were adulterated and misbranded. The article was labeled in part: (Carton) "Each Cc contains: Sodium Cacodylate 3 grs. [or "5 Grs." or " $7\frac{1}{2}$  Grs."]" \* \* \* Pitman-Moore Co. Indianapolis."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that the ampoules were represented to contain, in each cubic centimeter, 3 grains, 5 grains, or  $7\frac{1}{2}$  grains of sodium cacodylate; whereas they contained a less amount, the alleged 3-grain ampoules containing not more than 2.757 grains, the alleged 5-grain ampoules containing not more than 4.08 grains and the alleged  $7\frac{1}{2}$ -grain ampoules containing not more than 6.71 grains of sodium cacodylate per 100 cubic centimeters.

Misbranding was alleged for the reason that the statements, "Each Cc contains Sodium Cacodylate 3 grs. [or "5 Grs." or " $7\frac{1}{2}$  Grs."]", borne on the box, and "Ampoules 1 Cc. contains Sodium cacodylate 3 grs." [or "5 grs." or " $7\frac{1}{2}$  grs."]", borne on the ampoule label, were false and misleading, since the ampoules contained a smaller amount of sodium cacodylate than was declared.

On May 12, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22652. Adulteration and misbranding of fluidextract of ginger. U. S. v. Max Krapkoff (Kent & Taylor). Plea of guilty. Fine, \$125. F. & D. no. 30293. I. S. nos. 31662, 39666, 42038, 42157, 47162.)**

This case was based on interstate shipments of fluidextract of ginger which differed from the pharmacopoeial standard.

On July 11, 1934, United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Max Krapkoff, trading as Kent & Taylor, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 27, 1931, from the State of New York into the State of Texas, on or about September 9, November 14, and December 7, 1931, from the State of New York into the State of Maryland, and on or about November 24, 1931, from the State of New York into the State of Mississippi,

of quantities of fluidextract of ginger which was adulterated and misbranded. The shipments consisted of one lot in gallon cans and four lots in 2-ounce bottles. The cans and one of the bottled lots were labeled: "Fluid Extract of Ginger U. S. P. \* \* \* Nomel Products Co., Inc., New York." The remaining three bottled lots were accompanied by labels bearing the same statements.

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, in that it was a mixture composed in part of material not derived from ginger and which contained an oil or oils not mentioned in the pharmacopoeia as constituents of fluidextract of ginger and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be fluidextract of ginger which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not.

Misbranding was alleged for the reason that the statement, "Fluid Extract of Ginger, U. S. P.", borne on the labels attached to the cans and part of the bottles, and accompanying the remainder of the said bottles, was false and misleading in that the said statement represented that the article was fluidextract of ginger which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not. Misbranding was alleged for the further reason that the article was a mixture composed in part of material not derived from ginger and which contained an oil or oils not mentioned in the pharmacopoeia as constituents of fluidextract of ginger, prepared in imitation of fluidextract of ginger, U. S. P., and was offered for sale and sold under the name of another article, namely, fluidextract of ginger, U. S. P.

On July 16, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25 on each of the 5 adulteration counts and suspended sentence on the 5 misbranding counts.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22653. Misbranding of Dr. Parker's Treatment for Indigestion and Constipation. U. S. v. 202 Boxes of Dr. Parker's Treatment for Indigestion and Constipation. Default decree of condemnation and destruction. (F. & D. no. 30814. Sample no. 42357-A.)**

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 3, 1933, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 202 boxes of Dr. Parker's Treatment for Indigestion and Constipation at Huntington, W. Va., alleging that the article had been shipped in interstate commerce, on or about June 5, 1931, by the Parker Medicine Co., from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium bicarbonate (42 percent), starch, and ginger, flavored with peppermint oil; the pills, which were part of the treatment, contained extracts of plant drugs, including aloe and nux vomica.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Tin container) "Treatment For Indigestion \* \* \* It is prepared especially for persons suffering from indigestion and results of indigestion. This is the Doctor's favorite prescription after treating diseases of the stomach and bowels for thirty years, and comes the nearest to being a specific he has ever discovered. \* \* \* When you have rheumatism the first thing to do is to get cured of indigestion. Indigestion causes more rheumatism than all other diseases combined. Indigestion causes more kidney trouble than anything else. Indigestion causes nervous prostration. Indigestion causes heart failure. Indigestion causes skin diseases. Indigestion causes constipation. Indigestion causes appendicitis. Indigestion causes impure blood. Our blood is made from what we eat and drink, and unless our food is made into healthy blood we may expect some form of disease as a result. \* \* \* Treatment for Indigestion \* \* \* Diagnose